IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 70 of 1995

Between:

Mohmad Jahangir, S/o. Mohd. Shariff.
R/o. Hayathabad Village, Shabad Mandal,
R.R.Dist.,.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Shabad Mandal, R.R.Dist.,.
2 The Executive Engineer, Chevella Division, (West)
Panchayat Raj, Ranga Reddy Dist.,. Off: ZPP., Compound,
Khairtabad, Hyderabad.
3 The Mandal Development Officer,
Shabad Mandal, Ranga Reddy.
4 The District Development Officer (Cheief Executive Officer) Ranga Reddy Dist.,
Khairtabad, Hyderabad.
5 The Revenue Divisional Officer, Chevella Division (RDO).,
Domalguda, Hyderabad.
6 Sri Ram Reddy, S/o. Venkat Reddy.
Gollurgudem Village, Shabad Mandal (Post & M)
Ranga Reddy Dist.,.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct the respondents not to take the Land of the Petitioners without following the procedure Under Land Acquisition Act by issuing a Writ more in the nature of Mandamus or any other writ order or direction.

Counsel for the Petitioner: MR.V.V.NARASIMHA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

W.P. No. 70 of 1995

ORAL ORDER:

This writ petition is filed to issue a writ of mandamus directing the respondents not to take the land of the petitioner without following the procedure contemplated under Land Acquisition Act.

The case of the petitioner is that he is owner and pattadar of the land to an extent of. Ac. 9-35 guntas in Sy .No. 155 of Hayathabad village of Shabad Mandal of Ranga Redy District and that the sixth respondent, all of a sudden, started laying road from Hayathabd village to Ankugudem and that the first respondent has not initiated any proceedings under the Land Acquisition Act. It is his further case that the sixth respondent informed him that the road will be laid through his land and if that be the case, land admeasuring to Ac.2.00 of the petitioner will be taken away for such purpose and the petitioner would be put to irreparable loss. Therefore, under the above circumstances, the petitioner approached this Court for the relief that the respondents be directed to follow the due process of law before taking the land of the petitioner for laying of road. Hence this Petition.

Learned counsel for the petitioner argued that the respondents, without following due process of law, have initiated to lay road through the land of the petitioner, which will cause irreparable loss to the petitioner. But however, it has to be observed that except stating that the respondents are trying to lay road through the land of the petitioner and thereby the petitioner had to surrender land to an extent of Ac. 2.00 to the respondents, petitioner failed to submit any material before this Court in support of his contention. Therefore, in

the absence of any such material placed before this Court, petitioner is not entitled to the relief sought for.

However, keeping in view of the assertions made by the petitioner, it would be suffice to direct the respondents not to dispossess the petitioner from the land in question, without following due process of law, if still he is in possession of the land in question.

With the above direction, the writ petition is disposed of. No costs.

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kvsn 26-08-2004

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